

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

LEON BLUE,

Defendant.

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AMON, Chief United States District Judge:

NOT FOR PUBLICATION
MEMORANDUM & ORDER
97-CR-219 (CBA)

By papers dated April 7, 2011, Leon Blue moved for early termination of his five-year sentence of supervised release, 18 U.S.C. § 3583(e)(1), which he has been serving since his release from prison on April 18, 2008.

Early termination of supervised release is appropriate to “account for new or unforeseen circumstances” not contemplated at the time that sentence was imposed. United States v. Lussier, 104 F.3d 32, 36 (2d Cir. 1997). Changed circumstances justifying early termination include a defendant’s exceptionally good behavior that renders the previously imposed term “either too harsh or inappropriately tailored to serve” general punishment goals. Id.

In support of his motion, Blue says that he exhibited “exemplary conduct while incarcerated, by completing the 500 hour Drug Abuse Program.” He also says that, since his release, he has been gainfully employed, has enrolled in a construction estimating course, and has fully complied with the terms of his supervised release, including the requirements that he not use illegal drugs and that he obey the law.

The government opposed the motion by papers dated April 29, 2011, arguing that Blue’s post-release conduct has not been exemplary, much less exceptionally good. Indeed, Blue “has a demonstrated pattern of continuing to communicate with convicted felons after having received an explicit instruction not to do so.”

Moreover, the government argues, even if Blue had not been communicating with felons, he would still not be entitled to relief because his compliance with the terms of his supervised release is not exceptional—it is what is expected of an individual serving such a sentence. See United States v. McKay, 352 F. Supp. 2d 359, 361 (E.D.N.Y. 2005); United States v. Medina, 17 F. Supp. 2d 245, 247 (S.D.N.Y. 1998).

The Court has reviewed Blue's application and, for the reasons stated by the government, finds that he is not entitled to early termination.

SO ORDERED.

Dated: Brooklyn, New York
May 5, 2011

s/Carol Bagley Amon


Carol Bagley Amon
United States District Judge